

Littleton Burton, John Charlwood, }
William Vanquier and others } APPEL.

The Lord Bishop of London, }
Michael Hutchinson, } RESPOND.

The Appellants C A S E.

THAT the Chapel of Hammersmith in the Parish of Fulham, in the County of Middlesex, was Erected at the proper Costs and Charges of the Inhabitants of Hammersmith, who gave all or most part of the Ground upon which the said Chapel stands.

THAT some short time after the Erection, and before the Consecration of the said Chapel, the Vicar of Fulham and Inhabitants of Hammersmith entred into Articles of Agreement; the Preamble to which Articles runs thus: *For avoiding all Controversies and Differences in time to come, the Vicar on the one part and the Inhabitants on the other, have Declared, Agreed and Accorded, and do Declare, Agree and Accord as followeth; That the Inhabitants of Hammersmith perpetually for the time being, shall find and maintain a Curate at their own Costs and Charges, repair their Chapel, be liable to the Reparations of the Church of Fulham, pay all their Dues to the Church of Fulham, and the Vicar be discharged from the Exercise of his Ministerial Office in the said Chapel.*

THAT on the 7th of June 1631, the Chapel was Consecrated by the Right Reverend William Laud, then Lord Bishop of London.

THAT, pursuant to the said Articles of Agreement, the Inhabitants of Hammersmith have always Elected their Ministers or Chaplains, ever since the Erection of the said Chapel.

THAT all the Maintenance the Minister of the said Chapel receives, is only from the Voluntary Contributions of the Inhabitants.

THAT Mr. Wade the last Curate, was Chosen by the Inhabitants, in the Year 1662, and Officiated there Forty Five Years, 'till his Death, which happened in November 1707.

THAT immediately after the Death of Mr. Wade, viz. in November 1707, and a second time in November 1708, the Inhabitants, according to their Right and Usage, unanimously Elected Littleton Burton, Appellant, Minister of the Chapel, who had before Officiated there for the space of Seven Years, during the Indisposition of the last Curate Mr. Wade, by the Approbation and express Consent of the present Lord Bishop of London.

THAT after the Death of Mr. Wade, the present Bishop of London set up a Title of Nomination of a Minister to the said Chapel, under colour of a Reservation made in the Consecration of the Chapel by the said Bishop Laud, and denied the Right to the Inhabitants of Electing a Minister to serve in the said Chapel, and granted a Licence to Michael Hutchinson, Respondent, to be Curate of the said Chapel.

THAT the Respondents, in Michaelmas-Term last, exhibited their Bill in the High Court of Chancery against the Appellants, for settling the Right of the Bishop of London in the Nomination of a Curate to the said Chapel, and for confirming the Respondent Hutchinson in the Curacy of the said Chapel and all the Profits thereof, and for obliging the Appellant Burton to account for the Profits by Decree of the said Court of Chancery: To which Bill the Appellants put in their Answers, and divers Witnesses were examined on both sides.

THAT upon hearing the Cause the 7th of this instant May before the Right Honourable the Lord Keeper, his Lordship was pleased to Order and Decree the Right of Nomination of a Curate to the said Chapel to be in the Lord Bishop of London and his Successors, and the Respondent Hutchinson to be quieted in the Possession of the Curacy of the said Chapel; and the Appellants, Burton and John Charlwood, the Chapel-Warden, to account for the Profits they have received, and to be examined upon Interrogatories for the discovery thereof, and to pay Costs.

By which Decree the Appellants conceive they are much aggrieved, in regard that the Inhabitants are entirely deprived of their Right of Nominating a Curate to the said Chapel, and the Articles of Agreement destroyed: That the Profits the Appellants are obliged to account for, are only voluntary Contributions: That the Proofs in the said Cause, were not sufficient to establish a Right in the Respondent Henry Lord Bishop of London, and several of them ought not to have been admitted; and your Appellants are advised, that the Respondents Bill ought to have been dismissed. Wherefore your Appellants humbly hope this HONOURABLE HOUSE will Reverse the said Decree, and relieve the Appellants in the Premisses.

JOHN PRATT.